



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/884,680	06/27/97	YUFA	A

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MM21/0415

EXAMINER

PHAM, H

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 04/15/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/884,680

Applicant(s)

Aleksandr L. Yufa

Examiner

Hoa Q. Pham

Group Art Unit

2877



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings filed 6/27/97 are objected to as indicated on the attached PTO-948.

Information Disclosure Statement

2. The information disclosure statement filed 6/27/97 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.
3. The information disclosure statement filed 6/27/97 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no copy of the references. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

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Claim Rejections - 35 USC § 112

4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 17 recites the limitation "said remote light beam" in line 1. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 17 recites the limitation "said fiber optic means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

8. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Staff et al (5,619,333).

Staff et al discloses a flow contamination monitor which comprises a light detecting system (4) for detecting the light from the light source (451) includes a chamber inside which a

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particle flow (423-427) intersects a light beam in an area of a light detection means, placed on a light beam axis, and wherein an intersection of the light beam and the particle flow is occurred on the light beam axis between the light beam source (451) and the light detection means, detecting the light beam, which is obstructed by a different sizes of the particles of particle flow, has a different intensity of the light beam on the light detection means or a different durations of the intensity; detecting the different durations of the intensity by the detection means which transfers a detected signals for a detected signal processing to a processing system (figures 6-8).

9. Claims 6 and 16-17 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Chandler et al (5,731,875) or Schmitz et al (5,610,712).

See figures 4 of Chandler or figures 2 and 3 of Schmitz et al.

10. Claims 6 and 16-17 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Tatsuno (4,595,291).

See figures 10, 12 and 17 of Tatsuno.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakamoto et al (5,325,169) discloses an apparatus for analyzing cells in urine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Hoa Pham whose telephone number is (703) 308-4808. The fax

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phone number for the organization where this application or proceeding is assigned is (703) 308-7766.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Pham/hp

April 07, 1998



**HOA Q. PHAM
PATENT EXAMINER
GROUP 2500**